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MTS-3174 US

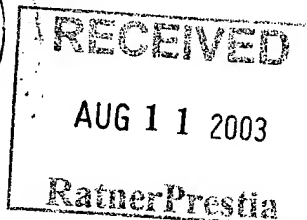


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In re Application of  
Hiroyuki Nakamura et al  
Application No. 09/425,668  
Filed: October 22, 1999  
Attorney Docket No. MTS-V03174

This is a decision on the petition, filed August 7, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on April 21, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to Irvin Dingle at (703) 306-5684.

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 2685 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

*Irvin Dingle*  
Irvin Dingle

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Date: APRIL 19 2002 2003

Assistant Commissioner for Patents:

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NAME: H. NAKAMURA ET AL.

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| <input type="checkbox"/> Copy of ____ reference(s)  | <input type="checkbox"/> Copy of Search Report                          |
| <input type="checkbox"/> Status Request   | <input type="checkbox"/> Issued Claims (____ pp.) & Diskette            |
| <input type="checkbox"/> Claim To Right of Priority   | <input type="checkbox"/> Preliminary Amendment                          |
| <input type="checkbox"/> Response to Restriction Requirement                                      | <input checked="" type="checkbox"/> Amendment ( <u>3</u> pp)            |
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| <input type="checkbox"/> Assignment of Invention (____ pp.)                                       | <input type="checkbox"/> Petition for Ext. of Time (____ mo.)           |
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| <input type="checkbox"/> Petition to Make Special / For Revival                                   | <input checked="" type="checkbox"/> Issue Fee and Publication Fee       |
| <input type="checkbox"/> Submission of Formal Drawings  | <input type="checkbox"/> Sheets of Drawings (Formal)                    |
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